THE HONOURABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 3402 of 2005

Date:28-09-2007

Between:

A.Ramana Kumari and another

…Petitioner

AND

The Mandal Revenue Officer, Lingasamudram(M)

..

Respondent

-

ORDER:

The petitioners seek a writ of mandamus to declare the action of the respondent in directing the petitioners not to cultivate the land of Ac.3.00 cents each in Sy.No.63/1A held by them at Pentrala revenue village during subsistence of their assignment pattas, as illegal and arbitrary and consequently direct the respondent not to interfere with the assignment and enjoyment of the petitioners in any manner.

The case of the petitioners is that an extent of Ac.3.00 cents each in Sy.No.63/1A (part) of Pentrala revenue village, Prakasham District was assigned in favour of the petitioners by the then Mandal Revenue Officer, Lingasamudram vide proceedings D.Dis.No.F.121/1408 and 122/1408, dated 28.06.1999. It is stated that the petitioners are cultivating the said lands. While so, the respondent at the instance of the rival political leaders is resorting to cancel the assignment granted in favour of the petitioners by hook or crook. It is the case of the petitioners that as long as the assignment patta is not cancelled and the terms and conditions of the assignment order have not been violated, the respondent cannot interfere with the peaceful possession and enjoyment of the petitioners.

I am not inclined to express any opinion as to whether the petitioners have violated any orders of assignment or the provisions of A.P. Assigned Lands (Prohibition of Transfers) Act, 1977. But, however, without following due process of law, the petitioners cannot be dispossessed from the land in question.

Accordingly, the writ petition is disposed of directing the respondents not to interfere with the peaceful possession and

enjoyment of the petitioners' land in question without following due process of law. No costs.

_____

V.ESWARAIAH, J.

Date:28.09.2007
ccm